

**REMARKS**

**A. Section 102(b) Rejections**

Claims 1-3 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Cloonan et al. ("Cloonan"). Applicant respectfully disagrees and traverses this rejection for at least the following reasons.

Each of the claims requires the examination of traffic overhead information to determine whether to route traffic to a circuit switch fabric or packet switch fabric. In contrast, Cloonan makes no such examination. In column 7 of Cloonan, there is reference to FIG. 4, which is a specific embodiment of an ATM switch 10A, and to "vectors." The referenced vectors are used to determine how to route traffic through an ATM switch; they are not used to determine whether to route traffic to a circuit switch fabric or a packet switch fabric, as is required by the claims of the present invention.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-3 and 7.

**B. Section 102(e) Rejections**

Claims 1-3, 5-8 and 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,359,859 to Brolin et al. ("Brolin").

Applicant respectfully disagrees and traverses this rejection.

Each of the claims requires a controller which is configured to examine traffic overhead information to determine whether traffic should be routed to a circuit switch or packet switch fabric.

In contrast, Brolin does not disclose the examination of traffic overhead information in order to determine which type of fabric to route traffic to.

For example, in column 18 of Brolin, Brolin discloses the reception of data from an STM or ATM switch fabric, not the routing of traffic to such fabrics. In addition, the reference to overhead information in Brolin refers to information which is created from data received from a switch fabric, not from data received from incoming traffic which needs to be routed to a switch fabric, as in the present invention.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-3, 5-8 and 11-13.

**C. Section 103(a) Rejections**

Claims 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brolin in view of Raj Jain (“Raj”).

Claims 14-17 are patentable over the combination of Brolin and Raj because neither discloses or suggests the examination of traffic overhead information to determine which switch fabric to route incoming traffic to. As indicated above, Brolin does not disclose the routing of traffic to a packet or circuit switch fabric based on examination of overhead information. The citation to column 18 of Brolin refers to the receipt of traffic from the switch fabrics, not the receipt of incoming traffic which is routed to switch fabrics. In sum, the excerpts in column 18 of Brolin refer to traffic headed in an opposite direction.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 14-17.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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